IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 11TH JANUARY 2007 / 21ST PAUSHA 1928

OP.No. 22967 of 1998(H)

PETITIONER:

K.V. LEELA, WIDOW OF K.V. KUMARAN,
RESIDING AT KORAPARAMBIL HOUSE,
MELE ARIYOOR, KOTTAPADAM,
MANNARKKAD, PALAKKAD DISTRICT.

BY ADV. SRI.V.CHITAMBARESH
SRI.T.C.SURESH MENON

RESPONDENTS:
---

1. THE KERALA STATE ELECTRICITY BOARD
REPRESENTED BY ITS SECRETARY,
VYDYUTHI BHAVANAM, PATTOM P.O.,
THIRUVANANTHAPURAM.

2. THE DEPUTY CHIEF ENGINEER,
CIVIL CIRCLE, THRISSUR.

3. THE ASSISTANT EXECUTIVE ENGINEER,
H.E.P. SUB DIVISION,
K.S.E. BOARD,MALAMPUZHA, PALAKKAD DISTRICT.

BY ADV. SRI.C.RAGHAVAN, SC, KSEB
SRI.A.SUDHI VASUDEVAN, SC, KSEB

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 11/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER's EXHIBITS

EXT.P1:	TRUE COPY OF JUDGMENT IN O.P. NO.8358/98
EXT.P2:	TRUE COPY OF THE DEATH CERTIFICATE OF THE HUSBAND OF THE PETITIONER DATED 8.6.1998
EXT.P3:	TRUE COPY OF THE PROCEEDINGS DATED 17.6.1998
EXT.P4:	TRUE COPY OF THE INTIMATION DATED 6.8.1998
EXT.P5:	TRUE COPY OF THE LEGAL HEIRSHIP CERTIFICATE DATED 16.6.1998

S.SIRI JAGAN, J.

O.P . NO.22967 OF 1998

Dated this the 11th day of January, 2007

JUDGMENT

The petitioner is the widow of late K.V. Kumaran, who was an employee of the Kerala State Electricity Board, who retired on superannuation on 31.10.1996. The Death Cum Retirement Gratuity as well as the commuted value of pension was disbursed to the petitioner as the widow of the late employee in accordance with the nomination made by the employee before his death. However, an amount of Rs.23424/- is still due towards Dearness Allowance arrears which has not been paid. The petitioner seeks direction to the 2nd respondent to disburse that amount also to the petitioner. This is opposed by the respondents on the ground that the petitioner has to produce legal heirship certificate from the concerned Tahasildar for disposal of the amount. I am of the opinion that in so far as the other amounts have already been released to the petitioner based on the nomination made by late Kumaran, it would be too harsh to insist on the production of legal heirship certificate from the Tahasildar for that amount alone. The petitioner has already produced Ext. P5 report of the Village Officer, which would show that all the other legal heirs, namely, the sons and daughters of late K.V. Kumaran are already majors and are married.

In the above circumstances, I direct the respondents to pay to the petitioner, the balance amount due as Dearness Arrears of late K.V.Kumaran, within two months from the date of receipt of the copy of this Judgment. I make it clear that such payment would absolve the respondents from all liabilities in respect of the said amount and the petitioner shall receive the same on behalf of all the legal heirs of late K.V. Kumaran, and she would be liable to distribute the same in accordance with the succession law applicable.

The Original Petition is disposed of as above.

(S.SIRI JAGAN, JUDGE)

mma/